



August 17, 2007

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Re: *Borders-Humphrey v. Prison Health Services, Inc.*
USDC N.D. Cal. No. 07-02516 JSW ENE
ENE Thursday, October 6, 2005

Dear Counsel:

As you know, I have been appointed by the District Court to serve as the evaluator in this case under the court's Early Neutral Evaluation (ENE) program. Please be sure to review carefully ADR L.R. 5 which governs the ENE program. You can find information about my professional experience at www.littler.com.

Pursuant to ADR L.R. 5-7, I will conduct a phone conference with all counsel before the formal evaluation session to discuss the following:

- The procedure to be followed
- The nature of the case
- Appropriate dates for the ENE session
- The parties who will be present at the session and other procedural matters
- Ideas to improve the effectiveness of the ENE session or matters that could pose impediments
- Requirement for your written ENE statements

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- Any questions you might have about the ENE program

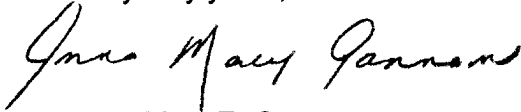
I anticipate that the telephone conference will last approximately one-half hour. Please advise my legal assistant, Michele Patterson (mpatterson@littler.com) of your availability on Friday, September 7, 2007 for the telephone conference. If that date is not available, please suggest other dates prior to September 14, 2007 (but not September 10 or 11). Before the telephone conference, please ascertain from your clients and any insurers a selection of dates upon which the ENE session may be conducted. The final date that the session can be held is October 23, 2007. I have no authority to extend the deadline for the ENE session; only the judge assigned to the case can make any modification.

My conflicts check revealed no actual or potential conflicts of interest under 28 U.S.C. §455(a) and (b), and I am not aware of any other circumstances that would compromise my impartiality or the appearance of impartiality. However, in the interests of full disclosure under ADR L.R. 2-5(d) and 28 U.S.C. §455(a), I wish to advise you of matters that came to my attention after a check for potential conflicts of interest. I am informed that approximately eight to 10 years ago, an attorney in our Los Angeles office worked on a claim brought by Barbara Stocker against Prison Health Services, Inc. The matter was resolved without litigation and I have no further information about the case. Neither I nor any other attorney in this firm has since represented Prison Health Services, Inc. I am informed that other attorneys in the firm now or in the past have represented clients in matters adverse to clients represented by Mr. Cohen, but I have not worked on any of those cases and am not personally acquainted with any of the counsel in this case. Finally, I am informed that Prison Health Services, Inc. appeared on the firm's vendor list as an inactive vendor, but I have no understanding of what services we might have obtained from it.

I do not believe that these matters would prevent me from serving as an unbiased neutral evaluator in this case, and I do not understand them to require automatic disqualification under 28 U.S.C. §455(b). However, if these matters cause you or your clients concern about my ability to serve impartially, you are required to communicate your objection in writing to the AD Unit within 10 calendar days of your receipt of this letter. (See, ADR L.R. 2-5(d).

I look forward to assisting you on this case.

Very truly yours,



AnnaMary E. Gannon

AMG/pas

cc: Ms. Alice M. Fiel, ADR Unit (Alice_Fiel@cand.uscourts.gov)